

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE LAUGHLIN PRODUCTS, INC., : MDL Docket No. 1498
PATENT LITIGATION :

IN RE LAUGHLIN PRODUCTS, INC. : MDL Docket No. 1594
MAGIC TAN PATENT LITIGATION :

STIPULATION TO AMEND THE SCHEDULING ORDER

Pursuant to paragraph 6 of Judge Baylson's Pretrial and Trial Procedures – Civil Cases, the parties, by and through the undersigned counsel, state as follows:

WHEREAS, on April 23, 2004, the Court entered a scheduling order in the above-referenced matters coordinating and consolidating the cases for discovery purposes;

WHEREAS, the parties have engaged in extensive document discovery, motion practice before the Court, and are now discussing deposition schedules;

WHEREAS, pursuant to Paragraph 3 of the Order dated July 19, 2004, and issued by the Court following a pretrial conference with counsel on July 16, 2004, counsel for the parties have conferred and agreed as to a procedure with respect to discovery on the issue of willfulness;

WHEREAS, in view of the current status of the case the parties are all in agreement that the deadlines previously imposed should be extended by six months;

NOW THEREFORE, the parties stipulate and agree, and THE COURT HEREBY ORDERS as follows:

1. Subject to any relevant limitations imposed on discovery by the Court's Order dated July 19, 2004, or by any other Court order, the defendants named in paragraphs 4 through 54 of the Third Amended Complaint filed in In re Laughlin Products, Inc. Patent

Litigation, MDL Docket No. 1498 (collectively referred to as "HTS Patent Defendants") and the defendants named in cases that have been consolidated into MDL Docket No. 1594 (collectively referred to as "Magic Tan Patent Defendants"), agreed to produce all non-privileged documents relating to willfulness by August 13, 2004. To the extent additional non-privileged documents relating to willfulness are discovered, the HTS Patent Defendants and Magic Tan Patent Defendants will supplement their production in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

2. The HTS Patent Defendants and Magic Tan Patent Defendants will list all documents relating to willfulness that are being withheld from discovery based on attorney-client privilege, work product doctrine, or any other applicable privilege, on a Privilege Log. The Privilege Log was provided to the Plaintiffs on or about August 25, 2004, and will be supplemented as necessary in accordance with the Federal Rules of Civil Procedure.

3. The HTS Patent Defendants and Magic Tan Patent Defendants shall decide whether or not to rely on advice of counsel in defense to allegations of willful infringement no later than March 18, 2005.

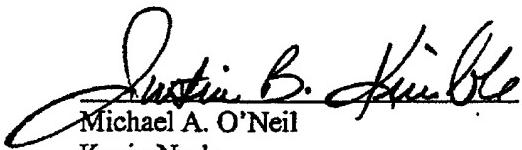
4. The HTS Patent Defendants and Magic Tan Patent Defendants reserve the right to file a motion with the Court asking that the trial be bifurcated, with the issue of willfulness addressed only after liability is established. If the Court decides to so bifurcate the trial, then discovery on willfulness would also be bifurcated from the remainder of discovery, and willfulness discovery will be conducted in accordance with any Order from the Court.

5. Fact discovery shall be completed by April 29, 2005.

6. At the close of fact discovery, counsel shall discuss refinement of claim construction procedures and/or issues.

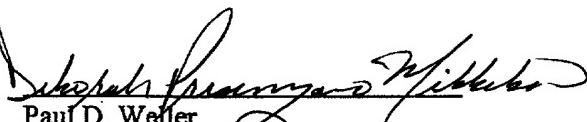
7. In the absence of any agreement of counsel or other Order, on or before June 3, 2005, Laughlin Products, Inc. shall serve its contentions concerning claim construction, and its expert reports limited to claim construction issues. Counsel shall thereafter discuss any further refinement of claim construction issues.

8. On or before July 15, 2005, other parties shall submit their contentions concerning claim construction, and any expert reports limited to claim construction issues.



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BY THE COURT:

Michael M. Bayson, U.S.D.J.